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7 IN THE UNITED STATES DISTRICT COURT
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12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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1415 BERKELEY POLICE DEPARTMENT, et al., No. C-07-6126 MMC
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17 Plaintiffs,

18 **ORDER CERTIFYING APPEAL AS NOT
TAKEN IN GOOD FAITH**19 v.
2021 EMANUEL SIMON EL BEY, and MAKARE
AKHET ATEN SIMON EL BEY,
2223 Defendants
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26 On December 28, 2007, the Court remanded the above-titled action to state court.
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28 On May 12, 2008, defendants filed a notice of appeal therefrom.

29 Where a party has been permitted to proceed in forma pauperis in the district court
30 action,¹ that party is not permitted to proceed in forma pauperis on appeal if the district
31 court certifies the appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3).32 A notice of appeal must be filed within 30 days of the date of the order being
33 appealed. See Fed. R. App. P. 4(a)(1)(A); see also Browder v. Director, Dep't of
34 Corrections of Illinois, 434 U.S. 257, 264 (1978) (providing requirement that "notice of
35 appeal in a civil case must be filed within 30 days of . . . the order from which the appeal is
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¹By order filed December 13, 2007, the Court granted defendants' application to
39 proceed in forma pauperis.

1 taken" is "mandatory"). Defendants filed the instant notice of appeal more than 130 days
2 after the December 28, 2007 order of remand. Under such circumstances, the notice of
3 appeal is plainly untimely and, consequently, the Court hereby certifies that the appeal is
4 not taken in good faith.

5 The Clerk of the Court is directed to serve a copy of this order on the Ninth Circuit
6 Court of Appeals.

7 **IT IS SO ORDERED.**

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9 Dated: May 15, 2008
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MAXINE M. CHESNEY
United States District Judge